

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**JULIE KELLY, as General Manager of THE
NEW YORK-NEW JERSEY REGIONAL JOINT BOARD,
WORKERS UNITED, A/W SEIU, and its subordinate bodies
LOCAL 340 and LOCAL25**

Plaintiffs,

**Case No.
15-Cv-05117 (CM)**

-against-

**MARK GASTON PEARCE, as Chairman and Member,
and KENT HIROZAWA, PHILIP MISCIMARRA,
HARRY JOHNSON, III, and LAUREN MCFERRAN
as Members of the NATIONAL LABOR RELATIONS BOARD**

Defendants.

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SUPPLEMENTAL DECLARATION OF THOMAS M. MURRAY, ESQ.

Thomas M. Murray, under penalty of perjury, declares as follows:

1. I am an attorney-at-law licensed in the State of New York, and a partner of the law firm of Kennedy, Jennik & Murray, P.C., with offices in New York, NY.
2. I make this supplemental declaration in support of the Memorandum of Law in Opposition to the Defendants' Motion to Dismiss of Plaintiffs Julie Kelly, the New York-New Jersey Regional Joint Board (hereinafter "Joint Board") and its subordinate bodies Local 340 and Local 25 (collectively, "Plaintiffs.")
3. On September 21, 2015, the National Labor Relations Board, (herein, the "NLRB") issued an Order denying the Joint Board's Request for Review of the Regional Director's Decision on Unit Clarification Petition. A copy of the Order is attached hereto as

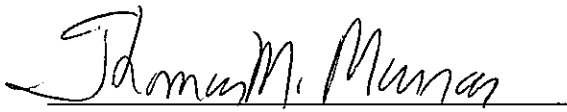
Exhibit E.

4. On September 24, 2015, the Joint Board filed a demand for arbitration to demonstrate majority support among the employees of the Employer's store at 1180 Madison Avenue.

5. In or around the week of July 15, 2015, NLRB attorney Dawn Goldstein called me and asked if the Joint Board considered filing a refusal to bargain unfair labor practice charge against the Employer, Brooks Brothers, for failure to recognize the union. I advised her that we had not because I interpreted the Regional Director's Unit Clarification Decision as requiring a Board election and further believed that, based on that decision, the Joint Board would be unable to convince an arbitrator that he had the authority to order the Employer to recognize the Union.

6. At that time, the Joint Board was intending to file an unfair labor practice charge because the Employer unlawfully interrogated employees and unilaterally changed the terms and conditions of employment after the Joint Board demanded recognition based on majority support by cutting sales employees' compensation up to 25%, thereby undermining support for the Union.

Dated: October 5, 2015
New York, NY


Thomas M. Murray